

CHAPTER 25
RULES FOR EXPANDED MEDIA COVERAGE

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CHAPTER 25 RULES FOR EXPANDED MEDIA COVERAGE

Rule 25.1 Definitions. As used in this chapter:

“Expanded media coverage” includes broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public.

“Good cause” for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector which would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of media.

“Judge” means the magistrate, district associate judge, or district judge presiding in a trial court proceeding, or the presiding judge or justice in an appellate proceeding.

“Judicial proceedings” or *“proceedings”* shall include all public trials, hearings, or other proceedings in a trial or appellate court, for which expanded media is requested, except those specifically excluded by this chapter.

“Media coordinator” shall include media coordinating councils as well as the designees of such coordinators or councils.

[Court Order November 9, 2001, effective February 15, 2002]

Rule 25.2 General. Broadcasting, televising, recording, and photographing will be permitted in the courtroom and adjacent areas during sessions of the court, including recesses between sessions, under the following conditions:

25.2(1) Permission first shall have been granted expressly by the judge, who may prescribe such conditions of coverage as provided for in this chapter.

25.2(2) Expanded media coverage of a proceeding shall be permitted, unless the judge concludes, for reasons stated on the record, that under the circumstances of the particular proceeding such coverage would materially interfere with the rights of the parties to a fair trial.

25.2(3) Expanded media coverage of a witness also may be refused by the judge upon objection and showing of good cause by the witness. In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, there shall be no expanded media coverage of the testimony of a victim/witness unless such witness consents. Further, an objection to coverage by a victim/witness in any other forcible felony prosecution, and by police informants, undercover agents, and relocated witnesses, shall enjoy a rebuttable presumption of validity. The presumption is rebutted by a showing that expanded media coverage will not have a substantial effect upon the particular individual objecting to such coverage which would be qualitatively different from the effect on members of the public in general and that such effect will not be qualitatively different from coverage by other types of media.

25.2(4) Expanded media coverage is prohibited of any court proceeding which, under Iowa law, is required to be held in private. In any event, no coverage shall be permitted in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties (including a parent or guardian of a minor child).

25.2(5) Expanded media coverage of jury selection is prohibited. Expanded media coverage of the return of the jury’s verdict shall be permitted. In all other circumstances, however, expanded media coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or courtroom proceedings. The policy of the rules in this chapter is to prevent unnecessary or prolonged photographic or video coverage of individual jurors.

25.2(6) There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-counsel, between counsel and the presiding judge held at the bench or in chambers, or between judges in an appellate proceeding.

25.2(7) The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the judge within the guidelines set out in this chapter.

25.2(8) Notwithstanding the provisions of any of the procedural or technical rules in this chapter, the presiding judge, upon application of the media coordinator, may permit the use of equipment or techniques at variance therewith, provided the application for variance is included in the advance notice of coverage provided for in rule 25.3(2). Objections, if any, shall be made as provided by rule 25.3(3). Ruling upon such a variance application shall be in the sole discretion of the presiding judge.

Such variances may be allowed by the presiding judge without advance application or notice if all counsel and parties consent to it.

25.2(9) The judge may, as to any or all media participants, limit or terminate photographic or electronic media coverage at any time during the proceedings in the event the judge finds that rules established under this chapter, or additional rules imposed by the presiding judge, have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by such manner of coverage if it is allowed to continue.

25.2(10) The rights of photographic and electronic coverage provided for herein may be exercised only by persons or organizations which are part of the news media.

25.2(11) A judge may authorize expanded media coverage of investitive or ceremonial proceedings at variance with the procedural and technical rules of this chapter as the judge sees fit. [Amended by Court Order September 26, 1984, effective October 10, 1984; November 9, 2001, effective February 15, 2002]

Rule 25.3 Procedural.

25.3(1) *Media coordinator and coordinating councils.* Media coordinators shall be appointed by the supreme court from a list of nominees provided by a representative of the media designated by the supreme court. The judge and all interested members of the media shall work, whenever possible, with and through the appropriate media coordinator regarding all arrangements for expanded media coverage. The supreme court shall designate the jurisdiction of each media coordinator. In the event a media coordinator has not been nominated or is not available for a particular proceeding, the judge may deny expanded media coverage or may appoint an individual from among local working representatives of the media to serve as the coordinator for the proceeding.

25.3(2) *Advance notice of coverage.*

a. All requests by representatives of the news media to use photographic equipment, television cameras, or electronic sound recording equipment in the courtroom shall be made to the media coordinator. The media coordinator, in turn, shall inform counsel for all parties and the presiding judge at least 14 days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least 14 days in advance, however, the media coordinator or media coordinating council shall give notice of the request as soon as practicable after the proceeding is scheduled.

b. Notice shall be in writing, filed in the appropriate clerk's office. A copy of the notice shall be sent by ordinary mail to the last known address of all counsel of record, parties appearing without counsel, the appropriate court administrator, and the judge expected to preside at the proceeding for which expanded media coverage is being requested.

c. The notice form in rule 25.5 is illustrative and not mandatory.

25.3(3) *Objections.* A party to a proceeding objecting to expanded media coverage under rule 25.2(2) shall file a written objection, stating the grounds therefor, at least three days before commencement of the proceeding. All witnesses shall be advised by counsel proposing to introduce their testimony of their right to object to expanded media coverage, and all objections by witnesses under rule 25.2(3) shall be filed prior to commencement of the proceeding. Witnesses shall be entitled to the assistance of the clerk of the district court in providing copies of this objection to all counsel of record, parties appearing without counsel, the media coordinator for the judicial district, the district court administrator for the judicial district, and the judicial officer expected to preside in the proceeding. The objection forms in rule 25.5 are illustrative and not mandatory. All objections shall be heard and determined by the judge prior to the commencement of the proceedings. The judge may rule on the basis of the written objection alone. In addition, the objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by such other means as the judge directs. The judge in absolute discretion may permit presentation of such evidence by the media coordinator in the same manner. Time for filing of objections may be extended or reduced in the discretion of the judge, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this chapter.

[Court Order November 9, 2001, effective February 15, 2002; May 27, 2010]

Rule 25.4 Technical.

25.4(1) *Equipment specifications.* Equipment to be used by the media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:

a. Still cameras. Still cameras and lenses must be unobtrusive, without distracting light or sound.

b. Television cameras and related equipment. Television cameras are to be electronic and, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light. Television cameras are to be designed or modified so that participants in the judicial proceedings being covered are unable to determine when recording is occurring.

c. Audio equipment. Microphones, wiring, and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the judicial proceeding being covered. Any changes in existing audio systems must be approved by the presiding judge. No modifications of existing systems shall be made at public expense. Microphones for use of counsel and judges shall be equipped with off/on switches to facilitate compliance with rule 25.2(6).

d. Advance approval. It shall be the duty of media personnel to demonstrate to the presiding judge reasonably in advance of the proceeding that the equipment sought to be utilized meets the criteria set forth in this rule. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.

25.4(2) Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the concurrence of the presiding judge, however, modifications may be made in light sources existing in the courtroom (e.g., higher wattage lightbulbs), provided such modifications are installed and maintained without public expense.

25.4(3) Equipment and pooling. The following limitations on the amount of equipment and number of photographic and broadcast media personnel in the courtroom shall apply:

a. Still photography. Not more than two still photographers, each using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.

b. Television. Not more than two television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a judicial proceeding. Where possible, recording and broadcasting equipment which is not a component part of a television camera shall be located outside of the courtroom.

c. Audio. Not more than one audio system shall be set up in the courtroom for broadcast coverage of a judicial proceeding. Audio pickup for broadcast coverage shall be accomplished from any existing audio system present in the courtroom, if such pickup would be technically suitable for broadcast. Where possible, electronic audio recording equipment and any operating personnel shall be located outside of the courtroom.

d. Pooling. Where the above limitations on equipment and personnel make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media coordinator, and the presiding judge shall not be called upon to mediate any dispute as to the appropriate media representatives authorized to cover a particular judicial proceeding.

25.4(4) Location of equipment and personnel. Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from, an area or areas within the courtroom designated by the presiding judge. The area or areas designated shall provide reasonable access to the proceeding to be covered.

25.4(5) Movement during proceedings. Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement which attracts undue attention. Still photographers shall not assume body positions inappropriate for spectators.

25.4(6) Decorum. All still photographers and broadcast media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

[Court Order October 9, 1975; December 22, 1981 — received and published May 1982; July 19, 1989; March 9, 1994, effective April 1, 1994; November 9, 2001, effective February 15, 2002]

Rule 25.5 Rules specific to the supreme court and court of appeals.

25.5(1) *Video recording, Internet streaming, and expanded media coverage of oral arguments.*

a. All regularly scheduled supreme court and court of appeals oral arguments shall be subject to video recording, streaming over the Internet, and expanded media coverage. The rules in this chapter allowing objections to expanded media coverage do not apply to supreme court and court of appeals oral arguments.

b. The prohibitions in rule 25.2(4) on the types of cases subject to expanded media coverage do not apply to supreme court and court of appeals oral arguments.

25.5(2) *Expanded media coverage.*

a. The rules in this chapter pertaining to expanded media coverage apply only to media coverage occurring within the supreme court and court of appeals courtrooms. Recordings of supreme court and court of appeals oral arguments made from other locations within the judicial building are not subject to the rules on expanded media coverage.

b. A written request for expanded media coverage within the supreme court and court of appeals courtrooms must be filed with the clerk of the supreme court no later than the Friday immediately preceding the week in which the argument is to be held.

[Court Order February 17, 2006; April 9, 2009]

Rules 25.6 to 25.9 Reserved.

Rule 25.10 Forms.

Rule 25.10 — Form 1: *Media Coordinator's Notice of Request(s) For Expanded Media Coverage of Trial or Proceeding.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

<p>_____, Plaintiff,</p> <p style="text-align: center;">v.</p> <p>_____, Defendant.</p>	<p>No. _____</p> <p>MEDIA COORDINATOR'S NOTICE OF REQUEST(S) FOR EXPANDED MEDIA COVERAGE OF TRIAL OR PROCEEDING</p>
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COMES NOW the undersigned person, who states as follows:

1. Certain representatives of the news media want to use photographic equipment (_____), television cameras (_____) or electronic sound recording equipment (_____), in courtroom coverage of the above proceeding. (Check the appropriate type or types of equipment.)

2. The trial or proceeding to be covered by expanded media techniques is scheduled for the _____ day of _____, 20____, at ____ m., at the _____ County Courthouse, _____, Iowa. The request(s) for expanded media coverage includes every part of such proceeding and any later proceedings caused by a delay or continuance.

3. The request(s) for expanded media coverage is described as follows, e.g., the number of photographers with still cameras: _____

4. This notice of request(s) for expanded media coverage is filed (check appropriate box):
 at least 14 days in advance of the proceeding for which expanded media coverage is being requested;

or

this notice cannot be filed within 14 days of the proceeding because of the reasons set out in the attached statement.

5. A copy of this notice is being provided by ordinary mail directed to the last known address of all counsel of record, parties appearing without counsel, the district court, the district court administrator for this judicial district, and the judicial officer expected to preside at the trial or proceeding for which expanded media coverage has been requested, as follows:

ATTORNEYS: _____

PARTIES APPEARING WITHOUT COUNSEL: _____

DISTRICT COURT ADMINISTRATOR: _____

PRESIDING JUDGE: _____

Media Coordinator's Notice of Request(s) For Expanded Media Coverage of Trial or Proceeding *(cont'd)*

WHEREFORE, the undersigned media coordinator gives notice of request(s) for expanded media coverage as aforesaid.

SIGNATURE

MEDIA COORDINATOR (Print Name)

DISTRICT OF IOWA

JUDICIAL

ADDRESS

TELEPHONE

SENT:

[Court Order December 22, 1981 — received and published May 1982; April 16, 1992, effective July 1, 1992; November 9, 2001, effective February 15, 2002; February 17, 2006]

Rule 25.10 — Form 2: *Objection of Party to Expanded Media Coverage of Trial or Proceeding.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

<p>_____, Plaintiff,</p> <p style="text-align: center;">v.</p> <p>_____, Defendant.</p>	<p>No. _____</p> <p style="text-align: center;">OBJECTION OF PARTY TO EXPANDED MEDIA COVERAGE OF TRIAL OR PROCEEDING</p>
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COMES NOW the undersigned party, who states as follows:

1. Expanded media coverage has been requested for the above matter.

2. There is good cause to believe that the presence of expanded media coverage, under the particular circumstances of this proceeding, would materially interfere with the right of the parties to a fair trial. The specific facts and circumstances in support of this allegation are described as follows: _____

3. This objection is filed at least three days before commencement of the proceeding for which expanded media coverage has been requested.

4. I have attached a proof of service showing service by ordinary mail of a copy of this objection upon all counsel of record, parties appearing without counsel, the media coordinator for this judicial district, the district court administrator for this judicial district and the judicial officer expected to preside at the proceeding for which expanded media coverage has been requested, such mailings having been directed to the last known address of each person.

WHEREFORE, I object to expanded media coverage of this proceeding for the reasons urged.

(Add Proof of Service)

[Court Order December 22, 1981 — received and published May 1982; November 9, 2001, effective February 15, 2002; February 17, 2006]

Rule 25.10 — Form 3: *Objection of Witness to Expanded Media Coverage of Testimony.*

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

<p>_____, Plaintiff,</p> <p style="text-align: center;">v.</p> <p>_____, Defendant.</p>	<p>No. _____</p> <p>OBJECTION OF WITNESS TO EXPANDED MEDIA COVERAGE OF TESTIMONY</p> <p>(Iowa Ct. Rs. 25.2(3), 25.3(3))</p>
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COMES NOW the undersigned person, who states as follows:

1. I understand that expanded media coverage has been requested for the above proceeding, which is scheduled to begin in the near future.
2. I expect to be called as a witness in this case.
3. I object to expanded media coverage of my testimony for the following reasons (please be specific): _____

4. I understand this objection must be filed with the clerk of the district court prior to the beginning of the case.
5. I hereby ask the clerk of the district court for assistance in providing copies of this objection to all counsel of record, parties appearing without counsel, the media coordinator for this judicial district, the district court administrator for this judicial district and the judicial officer expected to preside in this proceeding.

WHEREFORE, I object to expanded media coverage of my testimony.

SIGNATURE

NAME (Please Print)

TELEPHONE

(The Clerk of Court should accomplish the mailings described in paragraph five.)

[Court Order December 22, 1981 — received and published May 1982; July 19, 1989; November 9, 2001, effective February 15, 2002; February 17, 2006]